IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 44266-M of 2006

DATE OF DECISION : 31.08.2006

Kuldeep Singh

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.P. Chahar, Advocate,
for the petitioner.

Mr. Partap Singh, Senior D.A.G., Haryana.

* * *

Petitioner Kuldeep Singh has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 66 dated 11.4.2004 registered at Police Station Beri, District Jhajjar, under Sections 302, 34, 120-B IPC and 25/54/59 of the Arms Act.

I have heard counsel for the parties and gone through the contents of the FIR and the order dated 13.5.2006, passed by Additional Sessions Judge, Jhajjar, whereby bail application of the petitioner has been dismissed.

In this case, as per the complainant, when his father Sube Singh was taken by accused Ravinder towards the road, three persons were already standing there, one of whom was Shoki son of Chand Singh. It was further alleged that the other two persons were not known to the complainant, but he could identify them, if they come before him. Further, it was alleged that those two persons were armed with pistols and they raised lalkara. Thereupon, accused Ravinder, who was also having pistol in his hand, fired shot upon the father of the complainant. Thereafter, all of them ran away from the place of occurrence towards village Gocchi. The said occurrence took place on 11.4.2004. After one year of the said occurrence, i.e. on 22.4.2005, the complainant Ramphool made a supplementary statement that those two unknown persons who raised lalkara on the day of the occurrence

are petitioner Kuldeep Singh and Vinod. It is alleged that after the said statement, petitioner was arrested and he made a confessional statement before the police and verified the place of occurrence.

Counsel for the petitioner contends that the petitioner Kuldeep Singh is resident of the same village. It cannot be taken that the complainant, who was also resident of the same village, was not known to the petitioner. He contends that after one year of the alleged occurrence, the petitioner has been falsely implicated in this case and that too on the basis of the aforesaid statement. Counsel contends that even as per the prosecution version, the petitioner did not cause any injury to the deceased. He further contends that the petitioner is in custody since 13.5.2005 and the conclusion of trial is likely to take long time.

Counsel for the respondent-State has not disputed the fact that the petitioner was implicated in this case only after the supplementary statement of complainant, which was recorded after one year of the occurrence. He contends that though after the arrest of the petitioner, no recovery was effected, but the petitioner verified the place of occurrence.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant bail to the petitioner. Accordingly, he is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

Disposed of accordingly.

August 31, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**